

Remarks

Claims 1–30 are pending in this application. Claims 1 and 3–27 have been amended in response to the office action and to make editorial changes. New claims 28–30 have been added to more specifically claim the invention. The new and amended claims are fully supported by the specification. No new matter has been added.

Section 103 Rejection

Claims 1–27 have been rejected under section 103(a) as being unpatentable over U.S. patent 6,453,345 (Trcka) and further in view of U.S. patent 5,771,355 (Kuzma). Reconsideration of the rejection and allowance of the claims are respectfully requested.

No *Prima Facie* Showing

Applicant continues to assert that there is no teaching, suggestion, or motivation to combine Trcka and Kuzma. And, even if Trcka and Kuzma were combined, the combination would still fall short of the invention as recited in the claims. See arguments presented in the applicant's May 29, 2007 response, pages 9–10.

Argument 1: No Preventing of Recording of Data for Selected Traffic

In the invention, as recited in claim 1, “when the specific identifying indicia is *determined to not be present, preventing recording* of the Internet Protocol header source address for each of the packets of the file.”

The combination of Trcka and Kuzma do not show or suggest this feature of the invention. Rather, the combination provides for quite the opposite: Trcka archives *all* data-link-layer traffic. Trcka does not discuss selective archiving at all. Kuzma does no archiving of traffic whatsoever.

Therefore, combining these references does not result in the case that when the specific identifying indicia is determined to not be present, preventing recording the Internet Protocol header source address for each of the packets of the file.

For at least this reason, claim 1 should be allowable. Claims 2–6 and 28–30 are dependent on claim 1 and should be allowable for at least similar reasons. Additionally, these

dependent claims recite additional limitations which further distinguish the invention over the prior art.

Argument 2: When Identifying Indicia is Found, Transmitting Packets Unaltered

In the invention, as recited in claim 1, “when the *specific identifying indicia is determined to be present, sending the received packets unaltered* to a next Internet leg in a transmission path of the file.”

The combination of Trcka and Kuzma do not show or suggest this feature of the invention. As already stated above, the combination provides for quite the opposite: Trcka does not examine or determine whether any specific identifying indicia is present. Kuzma receives an e-mail and determines whether there is an attachment; if so, Kuzma removes the attachment and adds a URL link before sending the e-mail to the intended recipient. Kuzma does not transmit the same e-mail message that was received. Kuzma alters the e-mail.

Therefore, combining these references does not result in the case that when the specific identifying indicia is determined to be present, sending the received packets *unaltered* to a next Internet leg in the transmission path of the file.

For at least this additional reason, claim 1 should be allowable. Claims 2–6 and 28–30 are dependent on claim 1 and should be allowable for at least similar reasons. Additionally, these dependent claims recite additional limitations which further distinguish the invention over the prior art.

As discussed in the May 29, 2007 response, the present invention provides further benefits and features not found in the prior art. With the invention, by tracking where digital files were sent (or received), authors can determine whom to contact in order to secure compensation for use of their works (which are embodied in the digital files). Therefore, this invention will help protect the intellectual property rights of authors including artists, musicians, and other creative professionals. For example, by being able to track where their works were sent or received, authors (such as a songwriter or music artist) may be able to seek royalties for unauthorized playing, exhibition or distribution of their works.

Claims 7–27

Claims 7–27 should also be allowable over the prior art for at least similar reasons as discussed above.

Conclusion

For the above reasons, applicant believes all claims now pending in this application are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner believes a telephone conference would expedite prosecution of this application, please contact the signee.

Respectfully submitted,

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